



STATE OF DELAWARE
DEPARTMENT OF NATURAL RESOURCES
AND ENVIRONMENTAL CONTROL
DIVISION OF AIR AND WASTE MANAGEMENT
715 GRANTHAM LANE
NEW CASTLE, DELAWARE 19720-4801

WASTE MANAGEMENT SECTION
SUPERFUND BRANCH

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October 12, 1993

SENT VIA FACSIMILE AND
UNITED PARCEL SERVICE
OVERNIGHT MAIL.

Capitol Cleaners & Launderers, Inc.
Stuart Outten, President
217 South New Street
Dover, Delaware 19901

RE: Capitol Uniform Site
217 S. New Street & 411 S. Governor's Ave.
Dover, Delaware

Dear Mr. Outten:

The purpose of this letter is to notify Capitol Cleaners & Launderers, Inc. ("Capitol Cleaners") of its liability pursuant to Section 9105 of the Delaware Hazardous Substance Cleanup Act, 7 Del. C. Chapter 91 ("HSCA"), with respect to the Capitol Uniform Site which consists of two properties located at 217 S. New Street and 411 S. Governor's Avenue in Dover, Delaware (the "site" or "facility"). Since Capitol Cleaners is the owner of the facility, Capitol Cleaners is a potentially responsible party ("PRP") as defined in Section 9103(16) of HSCA.

As you know, the U. S. Environmental Protection Agency ("EPA") is currently conducting an investigation of contamination at the Dover Gas Light Site under the Comprehensive Environmental Response, Compensation and Liability Act, 42 U.S.C. § 9601, et seq. ("CERCLA"). EPA has indicated to DNREC that it may also begin an investigation of the Capitol Cleaners Site because of its proximity to the Dover Gas Light Site, and because EPA believes there have been releases of hazardous substances from the Capitol Cleaners Site which may interfere with the remedy for the Dover Gas Light Site.

In a letter to DNREC dated September 14th, 1993, EPA has stated that, unless DNREC and Capitol Cleaners enter into an agreement by October 15th, 1993 to investigate the Capitol Cleaners Site, EPA will initiate an investigation and possible removal action at that site under CERCLA. You have indicated that you desire to enter into an agreement with DNREC under HSCA to investigate your site rather than have EPA proceed under CERCLA. You have requested that DNREC provide this notification to begin the HSCA process. You have agreed that, because of the short timeframe being afforded by EPA, that you waive your rights to the normal ninety (90) day negotiating period set out in Section 13.2(2) of the Regulations Governing Hazardous Substance Cleanup ("Regulations").

We have informed you that, even if you sign an agreement with DNREC, there is no guarantee that EPA will hold off on its investigation of your site, and that DNREC will terminate this enforcement action under HSCA if EPA decides to proceed under CERCLA. You have agreed that, in spite of the uncertainty of what EPA will do in any event, you want to negotiate a consent decree, and initiate an investigation, under HSCA.

The Delaware Department of Natural Resources and Environmental Control ("DNREC") has documented the release or threatened release of hazardous substances, pollutants, or contaminants at the above-referenced facility. DNREC believes that further action is required under HSCA. The basis of the Department's position includes, but is not

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limited to, the following: sampling of groundwater and subsequent chemical analysis revealed elevated levels of Tetrachloroethane (PCE) and Trichloroethane (TCE) which exceeded federal drinking water standards.

Section 9109 of HSCA grants the Secretary of DNREC power to require PRPs to undertake response actions. However, DNREC encourages PRPs to enter into voluntary agreements in the form of consent decrees to provide appropriate responses to prevent threats to public health, welfare or the environment.

DNREC will attempt to conclude negotiations with you as soon as practicable. The negotiations would address legal and technical issues pertaining to the Remedial Investigation/Feasibility Study ("RI/FS") phase of a response action as described by Subsection 8.3, 8.4, and 8.5 of the Regulations.


As stated above, normally there is a ninety (90) day negotiating period to conclude negotiations on a consent decree. However, in this case time is of the essence. Therefore, please submit to DNREC comprehensive and detailed comments to the draft consent decree, and also prepare a draft work plan, at your earliest convenience.

Meetings will take place at the DNREC office at 715 Grantham Lane in New Castle, Delaware.

Please submit to DNREC, within five (5) days of your receipt of this notification letter, a written indication of willingness to proceed with the negotiation process defined above.

If you have any questions pertaining to this letter or the provisions of HSCA, please contact me or Stephen Williams of my staff at (302) 323-4540.

Sincerely,


10/12/93

N. V. Raman
Manager
Superfund Branch

NVR:sfh
NVR2879

Enclosures: Delaware Regulations Governing Hazardous Waste Cleanup
Proposed Scope of Work for Remedial Investigation and Feasibility Study
Delaware Hazardous Substance Cleanup Act Guidance
Draft Consent Decree

pc: Mary McKenzie, Acting Director (w/o Enclosures)
Stephen Williams, Program Manager (w/o Enclosures)
Stephen Johnson, Project Officer (w/o Enclosures)
Robert S. Kuehl, Deputy Attorney General (w/o Enclosures)
John Noble, Esquire (with Consent Decree)
Tom Voltaggio, EPA, Region III (w/o Enclosures)
Peter Ludzia, EPA, Region III (with Consent Decree & Scope of Work)

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